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| APPLICATION NO.                     | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/829,781                          | 04/10/2001  | Tsung-Yuan Hsu       | B-3916 617818-6     | 1039             |
| 36716                               | 7590        | 07/29/2004           | EXAMINER            |                  |
| LADAS & PARRY                       |             |                      |                     | NGUYEN, DUNG T   |
| 5670 WILSHIRE BOULEVARD, SUITE 2100 |             |                      |                     | ART UNIT         |
| LOS ANGELES, CA 90036-5679          |             |                      |                     | PAPER NUMBER     |
|                                     |             |                      |                     | 2828             |

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                         |                     |  |
|------------------------------|-------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>  | <b>Applicant(s)</b> |  |
|                              | 09/829,781              | HSU ET AL.          |  |
|                              | <b>Examiner</b>         | <b>Art Unit</b>     |  |
|                              | Dung (Michael) T Nguyen | 2828                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 April 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 and 19-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 and 19-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date. _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-10 and 19-34 have been considered but are moot in view of the new ground(s) of rejection.

### ***Double Patenting***

Claims 30 and 34 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 1 and 31. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6, 8-9, 19-20, 23-26, 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Brock et al. (US5781327).

With respect to claims 1, 6, 8-9, 19-20, 23-25, and 28-30, Brock show in Fig. 1 a laser system with self-locking comprising a laser 12, an optical port (20 and 22), a modulator 10 driven by a RF signal, a filter 14 coupled to the output of the modulator 10, and an optical path coupling an output of the filter 14 to the laser 12.

With respect to claims 3-5, brocks disclose the Mach-Zehnder modulator, the electro-optic modulator, etc. (col.1, l.50-51).

With respect to claim 26, Brock disclose the fiber cable (col.3, l.65).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 7, 21-22, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brock et al. (US57813270) in view of Yao (US5777778).

With respect to claims 2 and 22, Brock disclose all limitations of the claims except for the optical coupler. Yao teaches the optical coupler (col.10, 1.53). For the benefit of coupling the light beam, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Brock the coupler as taught by Yao.

With respect to claims 7 and 21, Yao discloses a DFB laser (col.12, 1.17-18).

With respect to claims 31-34, Yao discloses the optical isolator (col.10. 1.53).

Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brock et al. (US5781327) in view of Huber (US5295209). Brock disclose all limitations of the claims except for the Bragg fiber grating. Huber teaches the Bragg fiber grating 72 in Fig.4. For the benefit of suppressing the modulated sidebands, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Brock the Bragg grating as taught by Huber.

### **Communication Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung (Michael) T Nguyen whose telephone number is (571) 272-1949. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Min Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

Michael Dung Nguyen

  
MINSUN OH HARVEY  
PRIMARY EXAMINER